UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/47/695
1 December 1992

ORIGINAL: ENGLISH

Forty-seventh session
Agenda item 65

CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

Report of the First Committee

Rapporteur: Mr. Jerzy ZALESKI (Poland)

I. INTRODUCTION

1. The item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" was included in the provisional agenda of the forty-seventh session of the General Assembly in accordance with its resolution 46/40 of 6 December 1991.

2. At its 3rd plenary meeting, on 18 September 1992, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 2nd meeting, on 8 October 1992, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 49 to 65, 68 and 142; and 67 and 69. The deliberations on those items took place between the 3rd and 21st meetings, from 12 to 28 October (see A/C.1/47/PV.3-21). Consideration of draft resolutions on those items took place between the 22nd and 30th meetings, from 29 October to 11 November (see A/C.1/47/PV.22-30). Action on draft resolutions on those items took place between the 31st and 40th meetings, from 12 to 25 November (see A/C.1/47/PV.31-40).

4. The First Committee had no documents before it in connection with item 65.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.1/47/L.21

5. On 30 October, Australia, Austria, Belarus, Belgium, Cuba, Denmark, Finland, France, Greece, Iceland, India, Ireland, the Netherlands, New Zealand, Norway, the Russian Federation, Sweden and Viet Nam submitted a draft resolution, entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" (A/C.1/47/L.21), which was later also sponsored by Costa Rica. The draft resolution was introduced by the representative of Sweden at the 26th meeting, on 5 November.

6. At its 31st meeting, on 12 November, the Committee adopted draft resolution A/C.1/47/L.21 without a vote (see para. 7).

III. RECOMMENDATION OF THE FIRST COMMITTEE

7. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The General Assembly,

Recalling its resolutions 32/152 of 19 December 1977, 35/153 of 12 December 1980, 36/93 of 9 December 1981, 37/79 of 9 December 1982, 38/66 of 15 December 1983, 39/56 of 12 December 1984, 40/84 of 12 December 1985, 41/50 of 3 December 1986, 42/30 of 30 November 1987, 43/67 of 7 December 1988, 45/64 of 4 December 1990 and 46/40 of 6 December 1991,

Recalling with satisfaction the adoption, on 10 October 1980, of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, 1/ together with the Protocol on Non-Detectable Fragments (Protocol I), 1/ the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) 1/ and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), 1/

Reaffirming its conviction that general agreement on the prohibition or restriction of use of specific conventional weapons would significantly reduce the suffering of civilian populations and of combatants,

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1/ See The United Nations Disarmament Yearbook, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

Taking note with satisfaction of the report of the Secretary-General, 2/

1. Notes with satisfaction that an increasing number of States have either signed, ratified, accepted or acceded to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, which was opened for signature in New York on 10 April 1981;

2. Also notes with satisfaction that, consequent upon the fulfilment of the conditions set out in article 5 of the Convention, the Convention and the three Protocols annexed thereto entered into force on 2 December 1983;

3. Urges all States that have not yet done so to exert their best endeavours to become parties to the Convention and the Protocols annexed thereto as early as possible, as well as successor States to take appropriate action so as ultimately to obtain universality of adherence;

4. Stresses that, under article 8 of the Convention, conferences may be convened to consider amendments to the Convention or any of the annexed Protocols, to consider additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols, or to review the scope and operation of the Convention and the Protocols annexed thereto and to consider any proposal for amendments to the Convention or to the existing Protocols and any proposals for additional protocols relating to other categories of conventional weapons not covered by the existing Protocols;

5. Notes, taking into account the nature of the Convention, the potential of the International Committee of the Red Cross to consider questions pursuant to the Convention;

6. Requests the Secretary-General as depositary of the Convention and its three annexed Protocols to inform the General Assembly from time to time of the state of adherence to the Convention and its Protocols;

7. Decides to include in the provisional agenda of its forty-eighth session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".

2/ A/44/569.